

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JULY 19, 2005

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Brizzi and Commissioner Sturtz. Also in attendance were Industry Liaison Okey, Executive Secretary Choe and Superintendent Huskey.

Lisa Goldner of Bose McKinney and Evans, Andy Miller, Mark Shublak, Rich Schwimmer and Mike Curts of ILBA were present as observers.

DISPOSITION OF MINUTES

Vice Chairperson Brizzi moved to approve the minutes submitted for the July 5, 2005 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES AGREED DISPOSITION (PAD) FORMS – Vice Chairperson Brizzi moved to approve the PAD forms submitted for the July 19, 2005 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

Four hundred thirty-one (431) renewals approved, ninety-seven (97) new and/or transfer permits approved, seven (7) permits approved for catering and fifteen (15) permits approved for first year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairperson Brizzi moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR79-01365 TOMAR, INC., D/B/A RIEHLE BROTHERS – Chairman Heath noted this is a type 210 renewal application with the local board voting two (2) to two (2).

Chairman Heath moved to remand this renewal to the local board for reinvestigation. Motion seconded by Vice Chairperson Brizzi and it was unanimously approved.

RR20-00855 ROXANNE, INC., D/B/A THE BIG EASY – Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR20-04526 MTR ENTERPRISES, INC., D/B/A NACHOS LOCOS – Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RC20-12702 SAMUEL BARNES VFW 9944 – Chairman Heath noted this is a type 211-3 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR20-21826 EL ILEGAL, INC. – Chairman Heath noted this is new type 112 application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR47-18769 & RR47-18944 BRISAS DEL SOL, INC. – Chairman Heath noted the applicant requested permission to file for a type 112 permit and a type 210-1 permit simultaneously.

Vice Chairperson Brizzi moved to allow them to file both applications. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-03396 BAR RIO – Chairman Heath noted due to the fact that the Lake County Board did not have a quorum for three months all interested parties were not aware of the local board date and, therefore, requests the Commission remand this renewal application to the local board for reinvestigation.

Chairman Heath moved to remand this renewal to the local board. Motion seconded by Vice Chairperson Brizzi and it was unanimously approved.

INACTIVE FILES

Chairman Heath stated there are sixty-two (62) permits to be made inactive. Forty-five (45) permits are not subject to auction and seventeen (17) permits are subject to auction.

Vice Chairperson Brizzi moved to make these permits inactive. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

RR04-05275 ARNOLD GILBERT – Vice Chairperson Brizzi moved to continue this matter until the August 2, 2005 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL77-21578 VIRGIL MEIER – Chairman Heath noted an appeal has been filed in this matter.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

UNDER ADVISEMENT

Nothing Under Adviseement

ANNOUNCEMENTS

APPEAL FILES DENIED AT LOCAL BOARD – Chairman Heath stated that permits that are operating on an extension letter, due to the fact that they are under appeal because of negative votes by the local board, will result in their extension immediately being suspended, if any laws of the State of Indiana or alcoholic beverage laws are violated during the appeal period.

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Vice Chairperson Brizzi and it was unanimously approved.

Approved this _____ day of _____, 2005.

DAVE HEATH, CHAIRMAN

MELANIE BRIZZI, VICE CHAIRPERSON

DALE STURTZ, COMMISSIONER